

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4-6, 12-14, 20-22, 29-31, and 58 are cancelled. Claims 1-3, 7-11, 15-19, 23-28, 32-57 and 59 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-3, 6-11, 14-19, 22-28, 31-52 and 59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fernandez (U.S. Patent No. 6,922,664). Claims 6, 4, 22, and 31 are cancelled. Applicants submit that the remaining claims are patentably distinguishable over the relied on sections of Fernandez.

Independent claims 1, 9, 17, 26, 35, 40, 45, 50, and 55 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 3B and page 19 of the specification.

As amended herein, claim 1 recites:

performing statistical processing of the bio-information over predetermined time intervals corresponding to respective pluralities of the first data packets of the one or more of audio information and video information;  
packetizing the statistically processed bio-information into respective pluralities of second data packets corresponding to the respective pluralities of the first data packets[.]

(Emphasis added.) The relied on sections of Fernandez neither disclose nor suggest performing statistical processing of bio-information over predetermined time intervals corresponding to respective pluralities of data packets of one or more of audio information and video information. Moreover, the relied on sections of Fernandez neither disclose nor suggest packetizing

statistically processed bio-information into respective pluralities of second data packets corresponding to respective pluralities of first data packets (of one or more of audio information and video information).

Rather, such sections of Fernandez merely describe analyzing, comparing, correlating, or otherwise processing received mix-mode sensed signals according to specified rules or heuristics. (See col.3 ll.64-67.) These sections are not concerned with performing such analyzing, comparing, correlating, or otherwise processing of mix-mode sensed signals over predetermined time intervals corresponding to respective pluralities of data packets of one or more of audio information and video information, and these sections are not concerned with packetizing such analyzed, compared, correlated, or otherwise processed mix-mode sensed signals into respective pluralities of data packets corresponding to respective pluralities of data packets of one or more of audio information and video information. Hence, the relied on sections of Fernandez do not disclose or suggest the features recited in the above excerpt of claim 1.

Amended claim 1 also calls for:

multiplexing the stream of first data packets with the second data packets by inserting each respective plurality of second data packets adjacent to its corresponding respective plurality of first data packets[.]

(Emphasis added.) The relied on sections of Fernandez neither disclose nor suggest multiplexing a stream of first data packets with a second data packets by inserting each respective plurality of second data packets (of statistically processed bio-information) adjacent to its corresponding respective plurality of first data

packets (of one or more of audio information and video information).

Rather, as the Examiner notes in the Office Action (see pg.23), such sections of Fernandez are concerned with a video-conferencing system configured for effectively real-time exchange of images or live video between communicating client or peer parties (see col.7 ll.1-6) in which each respective packet of detected bio-information is transmitted concurrently with its corresponding audio or video data. These sections are not concerned with inserting a respective plurality of data packets (of analyzed, compared, correlated, or otherwise processed mix-mode sensed signals) adjacent to its corresponding respective plurality of data packets (of one or more of audio information and video information). Hence, the relied on sections of Fernandez do not disclose or suggest the features set forth in the above excerpt of claim 1.

It follows, for at least the above reasons, that the relied on sections of Fernandez do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claims 9, 17, 26, 35, 40, 45, 50, and 55 each call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Fernandez for at least the reasons set out above regarding claim 1.

Claims 2-3 and 7-8 depend from claim 1, claims 10-11 and 15-16 depend from claim 9, claims 18-19 and 23-25 depend from claim 17, claims 27-28 and 32-34 depend from claim 26, claims 36-39 depend from claim 35, claims 41-44 depend from claim 40, claims 46-49 depend from claim 45, claims 51-54 depend from

claim 50, and claims 56-57 and 59 depend from claim 55. Therefore, each of these claims is distinguishable over the relied on sections of Fernandez at least for the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(e).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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